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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	J	ATTORNEY/DOCKET NO.
08/575,763	12/20/95	HERLIGER		

D1M1/0723

WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304

BUEKER, EXAMINER

ART UNIT 9

PAPER NUMBER

07/23/97

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/575,763 12/20/95 HERLINGER J 13880-703

DIM1/0723
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304

EXAMINER

BLIEKER, R
ART UNIT PAPER NUMBER

1109

8

DATE MAILED: 07/23/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 5-5-97 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire three month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☒ Notice of Art Cited by Applicant, PTO-1449. (2 sheets)
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

- ☒ Claims 1-45 are pending in the application.
Of the above, claims 14-25 + 34-45 are withdrawn from consideration.
- ☐ Claims _____ have been cancelled.
- ☐ Claims _____ are allowed.
- ☒ Claims 1-7, 10-11, 13, 26-31 + 33 are rejected.
- ☐ Claims 8-9, 12, 30 + 32 are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.
- ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
- ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

EXAMINER'S ACTION

Art Unit: 1109

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-5, 10, 11, 13, 26, 27, 29 and 30-31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Anthony (4,970,986). Anthony discloses a chemical vapor deposition reactor for depositing carbon comprising a tungsten heating filament array having a movable electrode and an adjustable force regulator attached to the movable electrode. Anthony teaches (col. 3, lines 67 and 68) the use of flexure or cantilever as the force regulator, as recited in present claims 10 and 11. By

Serial Number: 575,763

-3-

Art Unit: 1109

virtue of the "comprising" language, the claims do not exclude the presence of plural movable electrodes and plural force regulators.


Claims 6, 28 and 31 are rejected under 35 U.S.C. § 103 as being unpatentable over Anthony. Anthony teaches the use of an adjustable nut to adjust the force regulator. It would have been prima facie obvious to one skilled in the art to substitute an adjustment screw for the nut of Anthony. Also, the joint of claim 31 is either inherent or obvious from the spring operating in bending mode suggested by Anthony.

Claim 7 is rejected under 35 U.S.C. § 103 as being unpatentable over Anthony in view of Valyi (col. 3, col. 19-22), Martin (col. 1, lines 40-44) or Beck (col. 7, lines 2-4), each of whom makes clear that it is well known in the force regulator art that an actuated cylinder can be used as the functional equivalent of a spring.

Claims 8-9, 12, 30 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Bueker whose telephone number is (703) 308-1895.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.


RICHARD BUEKER
PRIMARY EXAMINER
ART UNIT 1109